

## INSPECTION REPORT

Approved:

At Rand

- BMPs shall be evaluated for adequacy and proper implementation and whether additional BMPs are required in accordance with the terms of the General Permit;
- inspections will be performed before and after storm events and once each 24-hour period during extended storm events to identify BMP effectiveness and implement repairs or design changes as soon as feasible.

The SWPPP lists BMPs that will be used at LP including proper vehicle and equipment fueling, spill prevention, hazardous material management, work scheduling, soil stabilizers, straw bale barriers and storm drain inlet protection. The SWPPP lists BMPs that will not be used at LP: mulching, silt fence, fiber rolls or erosion control blankets deployed, preservation of existing vegetation or temporary seeding/planting, sediment basins nor dewatering performed. Inspection of LP revealed that BMPs listed for use were not deployed and some BMPs listed for non-use were deployed. The Discharger did not follow the BMPs outlined in the SWPPP. The General Permit sets forth requirements for a SWPPP. A SWPPP has two major objectives: (1) to help identify the sources of sediment and other pollutants that affect the quality of storm water discharges and (2) to describe and ensure the implementation of BMPs to reduce or eliminate sediment and other pollutants in storm water as well as nonstorm water discharges. The Discharger violated the General Permit because: 1) SWPPP did not include BMPs which address source control, 2) Discharger did not develop and implement a SWPPP that uses appropriately selected, correctly installed and maintained pollution reduction BMPs. The lack of erosion control BMPs throughout the site illustrates that the SWPPP is deficient.

### *18 February 2004 Inspection*

On 18 February 2004 at 1430 hours I arrived at LP to determine compliance with the General Permit. Representative photographs taken during this inspection are presented in Attachment B. Attachment C shows location of sample collection for this inspection date. No one was on site at the time of inspection. The weather conditions at this time were partly sunny, 60 degrees and it was not raining. The rain gage at Sewerage Commission-Oroville Region (SC-OR) recorded 2.20 inches of rain on 17 February and 0.0 inches on 18 February 2004. SC-OR is located 3.5 miles east of LP. The California Department of Water Resources rainfall gage at Oroville Dam recorded 2.00 inches of rain on 17 February and 0.92 inches on 18 February 2004. Oroville Dam is located 8.5 miles east of LP. The rain gage at Feather River Fish Hatchery recorded 1.37 inches of rain on 17 February and 1.48 inches on 18 February 2004. The Feather River Fish Hatchery is located 4.75 miles north and east of LP. Rainfall conditions at Oroville Dam, SC-OR and Feather River Fish Hatchery would be similar to rainfall conditions at LP. No other obvious areas of land disturbance adjacent to LP were observed during the inspection.

LP runoff drains generally from the west to the east and southeast. The mass grading of the site produced a gentle slope from west to east. On the eastern boundary is an ephemeral drainage that bisects LP and the golf course. The ephemeral drainage flows to the south and passes the NEXRAD Radar Facility (NEXRAD facility) to the east. Most of the northern side of LP drains to the south side of Highway 162 to under road culverts that convey the discharge to ephemeral drainages on the north side of Highway 162. The northwest corner of LP drains to the south side of Highway 162 to an under road culvert. The culvert conveys the discharge to an ephemeral drainage on the north side of Highway 162. The northeast corner of LP drains to a roadside culvert that flows to the east under the NEXRAD Radar Facility access road (NEXRAD road) and discharges to the northwest corner of the golf course.

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The northwestern corner of the golf course drains approximately 150' to the east of the NEXRAD road, on the south side of Highway 162 to an under road culvert that discharges to an ephemeral drainage on the north side of Highway 162 (Refer to Attachment A).

LP has two cul-de-sacs on the eastern side (Logan and Zachary Courts). The northern cul-de-sac (Logan Court) had been rough graded and was acting as a storm water retention pond. The storm water in the retention pond was highly turbid and had petroleum hydrocarbon sheen from a leaking dewatering pump at the eastern side. At the time of the inspection Logan Court was being dewatered. Turbid storm water was being pumped through a pipe towards the southeastern corner of LP. The area between the eastern boundary of the cul-de-sac and the eastern boundary of LP was very muddy and saturated with turbid storm water. Turbid storm water was observed running off the site on the eastern boundary into a wetland and ephemeral drainage on the western side of the NEXRAD road. The turbid storm water flows south to a dual culvert that conveys the turbid storm water underneath the NEXRAD road to the east, onto the western boundary of the golf course, north of the NEXRAD facility. The ephemeral drainage continues on the western boundary of the golf course traveling to the south. The ephemeral drainage then passes the NEXRAD facility on the eastern side. The ephemeral drainage also receives storm water from the parcel to the immediate south of LP, (Linkside Place Phase II) south of the NEXRAD facility. This parcel has not been developed and storm water discharging from it was not turbid as it entered the impacted ephemeral drainage on the western boundary of the golf course.

The only BMPs observed at LP were silt fence around the perimeter of the development with the exception of two areas on the eastern boundary where the silt fence had been removed. The site construction entrance had been stabilized with rock. No other sediment control BMPs were observed and no erosion control BMPs were observed at all.

The LP sediment control BMP (silt fence) observed at the northwest corner of the development was failing. Sediment-laden storm water was observed on the outside of the silt fence perimeter (Picture #1). Sediment-laden storm water was observed discharging off of the eastern side LP to the ephemeral drainage on the eastern boundary of the development (Pictures #7, #8, #18, #19, #23, #26). A silt flow was observed at the northwest corner of the development outside of the silt fence perimeter (Pictures #1-#3). Large erosion gullies were observed at the northwest corner and along the northern boundary of the development (Pictures #1-#4). No erosion control BMPs were observed on the development plateau (Pictures #1-#7 and #9). The silt fence sediment control BMP had been removed in two areas of the eastern boundary of LP allowing sediment-laden storm water to discharge off site (Pictures #5, #7, #8 and #12). Dewatering of Logan Court cul-de-sac was observed (Pictures #5, #11, #12, #15, #16, #27 & #28). Two hazardous material mobile tanks (No. 2 diesel fuel) were observed with no secondary containment (SWPPP states that an earthen berm would be constructed) (Picture #9). Petroleum hydrocarbon sheen was observed on the east side of the Logan Court cul-de-sac storm water retention pond (Pictures #12 and #13). The dewatering pump was observed leaking fuel (Picture #14).

To determine the flow quantity from the dewatering operations, a ½ gallon plastic container was used to capture the discharge from the end of the discharge pipe (Pictures #27 and #28). This operation was repeated 10 times while being timed by a wristwatch. Each time the ½ gallon plastic container was filled in 5 seconds or less. The ½ gallon plastic container was placed in the middle of the flow from the discharge pipe, not all of the flow was captured in this process, and so the ½ gallon per 5 seconds (6 gallons/min) is a conservative estimate of the flow.



At the conclusion of the inspection I telephoned Mr. John Montgomery of E-Ticket Construction. I informed him that I had just concluded my inspection of LP. The inspection verified that the site was not in compliance with the General Permit. Violations of the General Permit included a lack of BMP maintenance, lack of deployment of erosion control measures, sediment discharge to waters of the State and the discharge of unfiltered or untreated dewater from the site to waters of the State. He didn't think that the dewatering operation was a violation of the General Permit. I informed him that he could not discharge dewater that didn't meet water quality standards. He stated that he would be out to the site immediately to remedy the situation.

On 19 February I contacted Mr. Montgomery again and reiterated that LP was not in compliance with the General Permit. I stated that I had observed only two sediment control BMPs deployed at LP and that at a minimum he must use an effective combination of erosion and sediment control BMPs on all disturbed areas during the rainy season. I asked him how long the dewatering pump had been running and he stated that he set up the pump at 8:00 a.m. 18 February and discontinued the pumping operations shortly after our phone discussion at 4:30 p.m. 18 February. He acknowledged that the pump had been running for 8½-hours. Using the conservative estimate of 6 gallons/min the total volume of unfiltered/untreated dewater discharged to waters of the State would be 3,060 gallons for the 8½-hour discharge duration.

I told Mr. Montgomery that the pump was leaking fuel and that I had documented petroleum hydrocarbon sheen on the water. He acknowledged that he knew the pump was leaking fuel. I instructed him to deploy some absorbent pads to clean up the spill and to properly dispose of the pads once the spill was cleaned up. I asked him if he had ever obtained coverage under the General Permit before and he stated that this was his first time. I explained to him that he should read the permit to understand what the discharger's responsibilities are, he replied that he would get a copy and read it. I suggested that he might want to employ someone who had worked with the General Permit before to assist him; he stated that he had already contacted a company to help. I requested copies of all inspection reports and that I would send him a copy of my photo log to help him better understand the violations that I observed. I explained that the Regional Board protects wetlands, isolated wetlands and ephemeral drainages even when they are dry. I stated that the discharges of sediment-laden storm water to these types of resources are violations of the Clean Water Act (CWA) and the California Water Code (CWC). I explained to him that the discharger could be liable for an administrative civil liability in the amount of \$10,000/day/violation for violations of the General Permit.

A water sample (Sample No. 1) was taken of the discharge at the end of the dewatering pipe (Picture #16). A water sample (Sample No. 2) was taken of the turbid discharge from LP as it entered the ephemeral drainage on the western boundary of the golf course (Pictures #19, #21 and #22). A water sample (Sample No. 3) was taken of the storm water in an ephemeral drainage located immediately north of the NEXRAD facility. This sample would be representative of background conditions (Pictures #20-#22).

The three water samples were tested for total suspended solids, turbidity and settleable matter by a certified laboratory. The samples were held on ice until they were delivered to the laboratory under chain of custody. The test results follow:

<u>Sample Location</u>	<u>Total Suspended Solids</u>	<u>Turbidity</u>	<u>Settleable Solids</u>
<b>Sample No. 1</b> End of dewater pipe on LP (discharge on property)	1,900 mg/L	2,440 NTUs	<0.1 mL/L/hr
<b>Sample No. 2</b> Dual culvert 100' north of NEXRAD facility (LP discharge into ephemeral drainage on golf course property (discharge off of property)	1,150 mg/L	1,740 NTUs	0.1 mL/L/hr
<b>Sample No. 3</b> Wet swale adjacent to north side NEXRAD facility (background off of property)	7 mg/L	12.1 NTUs	<0.1 mL/L/hr

Total suspended solids (TSS) is a measure of the undissolved solids that are present in runoff. Sources for TSS would be sediment from erosion of exposed land, and dirt from impervious areas. Sediment by itself can be very toxic to aquatic life because it covers feeding and breeding grounds, and smothers others that may live on the bottom of a water body. Toxic chemicals and other pollutants also adhere to sediment particles. This provides a medium by which toxic or other pollutants enter in our waterways and ultimately in human and aquatic life. TSS levels greater than 30-50 mg/L indicates concern with a possible investigation required. A level greater than 100 mg/L recommends a follow-up investigation.

Turbidity refers to water clarity. Turbidity results are measured in Nephelometric Turbidity Units (NTUs). As TSS increases, clarity decreases resulting in increased turbidity. High concentrations of particulate matter can modify light penetration, cause shallow lakes and bays to fill in faster, and smother benthic habitats - impacting both organisms and eggs. As particles of silt, clay, and other organic materials settle to the bottom, they can suffocate newly hatched larvae and fill in spaces between rocks which could have been used by aquatic organisms as habitat. Fine particulate material also can clog or damage sensitive gill structures, decrease their resistance to disease, prevent proper egg and larval development, and potentially interfere with particle feeding activities. If light penetration is reduced significantly, macrophyte growth may be decreased which would in turn impact the organisms dependent upon them for food and cover. Reduced photosynthesis can also result in a lower daytime release of oxygen into the water.

The Water Quality Control Plan (Basin Plan) for the Central Valley Region outlines water quality objectives for inland surface waters. The Basin Plan states that waters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses. Increase in turbidity attributable to controllable water quality factors shall not exceed the following limits:

- Where natural turbidity is between 0 and 5 NTUs, increases shall not exceed 1 NTU
- Where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20%
- Where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs
- Where natural turbidity is greater than 100 NTUs, increases shall not exceed 10%

#### *Sample No. 3-Background*

The 7 mg/L TSS of Sample No. 3 (background) is 14 times less than the TSS pollutant benchmark level of 100 mg/L (benchmark). This documents that the wet swale background sample was not impacted by the turbid and sediment-laden discharge from LP. The 12.1 NTU turbidity test result would also be



representative of background conditions. The Basin Plan allows increases in turbidity attributable to controllable water quality factors from LP to not exceed 20% above natural turbidity. Using Sample No. 3 as background, turbidity discharges from LP shall not exceed 14.5 NTUs.

*Sample No. 1-Discharge from dewatering operations*

The 1,900 mg/L TSS of Sample No. 1 is 19 times greater than the TSS benchmark. The 2,440 NTU turbidity is 168 times greater than allowed by the Basin Plan. The test results for Sample No. 1 documents that the dewatering operations at LP were creating sediment-laden and turbid water.

*Sample No. 2-Discharge from eastern boundary LP to ephemeral drainage western boundary golf course*

The 1,150 mg/L TSS of Sample No. 2 is 11.5 times greater than the TSS benchmark. The 1,740 NTU turbidity is 120 times greater than allowed by the Basin Plan. The water in the ephemeral drainage was sediment-laden and turbid. The test results for Sample No. 2 documents that the discharge from LP was impacting water quality and aquatic life in the ephemeral drainage bisecting LP and the golf course.

The unnamed ephemeral drainage is tributary to Thermalito Afterbay, which is tributary to the Feather River. The Basin Plan has designated beneficial uses for surface and ground waters within the Region. Designated beneficial uses of this surface water that could be impacted by a sediment discharge include municipal and domestic supply, agricultural irrigation, contact and non-contact recreation, warm and cold freshwater habitat, warm and cold spawning, and wildlife habitat.

**25 February 2004 Inspection**

On 25 February 2004 at approximately 1415 hours I arrived at LP to perform a follow-up inspection to evaluate compliance with the General Permit. Representative photographs taken during this inspection are presented in Attachment D. Attachment E shows location of sample collection for this inspection date. No one was on site at the time of inspection. The weather conditions at this time were cloudy, very windy, 56 degrees and it was not raining. The rain gauge at SC-OR recorded 1.00 inches of rain on 24 February and 0.80 inches on 25 February 2004. The California Department of Water Resources rainfall gage at Oroville Dam recorded 0.64 inches of rain on 24 February and 1.40 inches on 25 February 2004. The rain gage at Feather River Fish Hatchery recorded 0.39 inches of rain on 24 February and 0.87 inches on 25 February 2004.

The contractor had deployed multiple layers of silt fence and straw waddle at the northeast corner of LP. Straw had also been broadcast on and around the fill slopes on the northwestern side of LP. Some filter fabric and gravel had been deployed at the northwest corner of LP and straw had been broadcast on the northern side of LP and around and in-between the first two of five layers of silt fence protecting the northeast corner of LP. There were also two hay bales placed in the roadside drainage ditch on the south side of Highway 162 on the west and eastside of the NEXRAD road. Dewatering operations had been discontinued.

These additional erosion and sediment control BMPs were ineffective in stabilizing the site or controlling sediment transport offsite into waters of the State. The multiple silt fence and straw waddle deployed at the northeast corner of LP failed, so sediment-laden and turbid storm water was discharged to the roadside



drainage ditch on the south side of Highway 162 (Pictures #29, #40-#43). A water sample (Sample No. 8) was collected of the discharge in between the multiple silt fence layers at the northeast corner of LP documenting water quality on the LP site (Picture #59). A water sample (Sample No. 2) was collected as the discharge entered the roadside drain on the westside of the NEXRAD road (Picture #42). The discharge went from the northeastern corner of LP east under the NEXRAD road to the northwest corner of the golf course (Picture #44). A water sample (Sample No. 1) was collected as the discharge entered the golf course property from the roadside drain on the eastside of the NEXRAD road (Picture #43). The sediment-laden and turbid storm water was pooling in the NW corner of the golf course property. The sediment-laden and turbid storm water then discharged to another roadside drain approximately 150 feet east of the NEXRAD road on the golf course property on the south side of Highway 162. This drain conveyed the discharge to the northside of Highway 162 into an ephemeral drainage in pastureland. A water sample (Sample No. 9) was collected of the discharge on the north side of Highway 162 in pastureland (Picture #60). The silt fence at the northwest corner of LP failed, thus sediment-laden storm water was discharged to a roadside drainage ditch on the south side of Highway 162 (Pictures #31 and #32). The discharge then flowed east alongside the south side of Highway 162 to a roadside drain. The drain conveyed the discharge to the northside of Highway 162 into an ephemeral drainage in pastureland. A water sample (Sample No. 10) was collected of the discharge (Pictures #61 and #62). The silt fence on the eastern boundary and at the southeast corner of LP failed, and sediment-laden and turbid storm water discharged to an ephemeral drainage (Pictures #38 and #39). This ephemeral drainage bisects the LP eastern boundary and the western boundary of the golf course. A water sample (Sample No. 5) was collected of the sediment-laden and turbid storm water from LP as it discharged from the NEXRAD road dual culvert into the ephemeral drainage on the western boundary of the golf course (Pictures #45-#48). The silt fence on the northern boundary of LP failed, causing sediment-laden storm water to discharge to the roadside drainage ditch on the south side of Hwy 162, which conveyed the discharge to the north side of Highway 162 (Pictures #30 and #63). No additional sample bottles were available so a water sample of this discharge was not collected.

The straw that had been deployed on the fill slopes at the northwestern corner had failed. Large erosion gullies were visible underneath the straw (Pictures #32-#34). The straw deployed in conjunction with the silt fence and straw waddle at the northeast corner had failed (Pictures #40 and #41). No erosion control BMPs had been deployed on the plateau of the northwestern side of LP (Pictures #32-#34). No erosion control BMPs had been deployed in the middle or southern side of LP (Pictures #35-#37).

Pictures #49 and #50 show the sediment-laden discharge as it enters the ephemeral drainage on the western boundary of the golf course on the north side of the NEXRAD facility. Picture #51 shows the sediment-laden discharge on the south side of the NEXRAD facility receiving a non-sediment-laden discharge from the parcel to the immediate south of LP (Linkside Place Phase II). Picture #52 documents a water sample (Sample No. 6) that was taken from the ephemeral drainage immediately north of the NEXRAD facility. This was the same sample location used for background during the 18 February 2004 LP inspection. The sample results from the two inspections at this location document background water quality immediately north of the NEXRAD facility. Pictures #53 and #54 document the location of another background water quality sample location. This sample (Sample No. 7) location was immediately south of the NEXRAD facility in an ephemeral drainage that was not impacted by LP and feeds the impacted ephemeral drainage. Pictures #55 and #56 document the location of a third background water quality sample location. This sample (Sample No. 3) location was immediately to the west of the NEXRAD facility, on the parcel immediately south of LP (Linkside Place Phase II), approximately 200 feet southeast from the southeast corner of LP, in a wetland ephemeral drainage. Pictures #57 and #58

document the location of a delineated wetland impacted by sediment-laden and turbid storm water runoff from LP. A water sample (Sample No. 4) was collected of this delineated wetland area. This area is located 75 feet southeast of the southeast corner of LP, west of the NEXRAD road and north of the NEXRAD facility.

A total of ten water samples were taken during the inspection. The samples were tested for total suspended solids, turbidity and settleable matter by a certified laboratory. The samples were held on ice until they were delivered to the laboratory under chain of custody. The test results follow:

Sample location	Total suspended solids	Turbidity	Settleable solids
<b>Sample No. 1</b> Eastside NEXRAD road, south side Hwy 162, NW corner of golf course property (discharge)	1,640 mg/L	2,590 NTUs	0.1 mL/L/hr
<b>Sample No. 2</b> Westside NEXRAD road, south Hwy 162, NE corner of LP property (discharge)	1,920 mg/L	1,960 NTUs	0.1 mL/L/hr
<b>Sample No. 3</b> Parcel south of LP (Linkside Phase II), ephemeral drainage westside NEXRAD facility (background)	10 mg/L	55.6 NTUs	<0.1 mL/L/hr
<b>Sample No. 4</b> Delineated wetland, westside of NEXRAD road, east of LP property (discharge)	2,300 mg/L	2,770 NTUs	0.1 mL/L/hr
<b>Sample No. 5</b> Dual culvert discharge from LP to ephemeral drainage western boundary golf course 100' north of NEXRAD facility (discharge)	2,080 mg/L	3,000 NTUs	0.1 mL/L/hr
<b>Sample No. 6</b> Wet swale ephemeral drainage north side NEXRAD Facility (background)	5 mg/L	10.2 NTUs	<0.1 mL/L/hr
<b>Sample No. 7</b> Wetland/ephemeral drainage 20' south of NEXRAD Facility (background)	8 mg/L	20.9 NTUs	<0.1 mL/L/hr
<b>Sample No. 8</b> NE corner LP between silt fence barriers (discharge on property)	1,760 mg/L	2,600 NTUs	<0.1 mL/L/hr
<b>Sample No. 9</b> Northside Hwy 162 150' east of NEXRAD road across from NW corner golf course (discharge)	285 mg/L	925 NTUs	<0.1 mL/L/hr
<b>Sample No. 10</b> Northside Hwy 162 across from NW corner of LP (discharge)	174 mg/L	305 NTUs	<0.1 mL/L/hr



*Sample Nos. 3, 6 and 7-Background*

The 10 mg/L TSS sample result of Sample No. 3 is 10 times less than the TSS pollutant benchmark level of 100 mg/L. The 5 mg/L TSS sample result of Sample No. 6 is 20 times less than the benchmark. The 8 mg/L TSS sample result of Sample No. 7 is 12.5 times less than the benchmark. The test results for Sample Nos. 3, 6 and 7 documents that the areas not receiving a sediment-laden discharge from LP had total suspended solid result from 10-20 times less than the benchmark. This confirms that the ephemeral drainage and wet swale adjacent on the north, south and westside of the NEXRAD facility were not impacted by the LP sediment discharge. Sample Nos. 3, 6 and 7 represent background water quality levels. The 55.6, 10.2 and 20.9 NTU test results would be representative of background conditions. Using the highest background reading of 55.6 NTUs, the Basin Plan would allow increases in turbidity attributable to controllable water quality factors from LP to not exceed 10 NTUs above natural (background) turbidity or 65.6 NTUs.

*Sample Nos. 1 and 2-Discharge from NE corner LP to NW corner golf course*

The 1,640 mg/L TSS sample result of Sample No. 1 is 16.4 times greater than the benchmark. The 2,590 NTU turbidity test result is 39.5 times greater than allowed by the Basin Plan. The 1,920 mg/L TSS sample result of Sample No. 2 is 19.2 times greater than the benchmark. The 1,960 NTU turbidity test result is 29.9 times greater than allowed by the Basin Plan. The test results for Sample Nos. 1 and 2 document that turbid and sediment-laden storm water was leaving the NE corner of LP and discharging onto the NW corner of the golf course.

*Sample No. 9-Discharge from golf course to north side Highway 162*

The 285 mg/L TSS sample result of Sample No. 9 is 2.85 times greater than the benchmark. The 925 NTU turbidity test result is 14.1 times greater than allowed by the Basin Plan. These test results document that turbid and sediment-laden storm water was discharging from LP to the golf course to an ephemeral drainage on the north side of Highway 162.

*Sample No. 10-Discharge from NW corner LP to north side Highway 162*

The 174 mg/L TSS sample result of Sample No. 10 is 1.74 times greater than the benchmark. The 305 NTU turbidity test result is 4.6 times greater than allowed by the Basin Plan. These test results document that turbid and sediment-laden storm water was discharging from the NW corner of LP to an ephemeral drainage on the north side of Highway 162.

*Sample Nos. 4 and 5-Discharge from SE corner to delineated wetland & eastern boundary LP to ephemeral drainage western boundary golf course*

The 2,300 mg/L TSS sample result of Sample No. 4 is 23 times greater than the benchmark. The 2,770 NTU turbidity test result is 42.2 times greater than allowed by the Basin Plan. These test results document that turbid and sediment-laden storm water was discharging from LP in the delineated wetland adjacent to the SE corner of LP. The 2,080 mg/L TSS sample result of Sample No. 5 is 20.8 times greater than benchmark. The 3,000 NTU turbidity test result is 45.7 times greater than allowed by the Basin Plan. These test results document that turbid and sediment-laden storm water was discharging from the eastern boundary of LP to the ephemeral drainage bisecting LP and the western boundary of the golf course.

**18 and 25 February General Permit Violations**

On 18 February 2004 Regional Board staff observed violations of the General Permit, which include inadequate maintenance of BMPs, inadequate implementation of storm water BMPs for erosion and sediment control, discharge of sediment laden non-storm water during dewatering operations, discharge of sediment to waters of the State and exceedance of applicable water quality standards contained in the Basin Plan. The Discharger violated the following sections of the General Permit:

Discharge Prohibition A. 2, which states:

*"Discharges of materials other than storm water which are not otherwise authorized by an NPDES permit to waters of the nation are prohibited except as allowed in Special Provisions for Construction Activity C. 3." (18 February)*

Discharge Prohibition A. 3, which states:

*"Storm water discharges shall not cause or threaten to cause pollution, contamination, or nuisance." (18 and 25 February)*

Receiving Water Limitation B.2, which states:

*"The SWPPP developed for the construction activity covered by this General Permit shall be designed and implemented such that storm water discharges and authorized non-storm water discharges shall not cause or contribute to an exceedance of any applicable water quality standards contained in a Statewide Water Quality Control Plan and/or the applicable RWQCB's Basin Plan." (18 and 25 February)*

Special Provision C.2, which states:

*"All dischargers shall develop and implement a SWPPP in accordance with Section A: Storm Water Pollution Prevention Plan. The discharger shall implement controls to reduce pollutants in storm water discharges from their construction sites to the BAT/BCT performance standard." (18 February)*

Special Provision C.3, which states:

*"Discharges of non-storm water are authorized only where they do not cause or contribute to a violation of any water quality standard and are controlled through implementation of appropriate BMPs for elimination or reduction of pollutants. Implementation of appropriate BMPs is a condition for authorization of non-storm water discharges. Non-storm water discharges and the BMPs appropriate for their control must be described in the SWPPP." (18 February)*

Section A: Storm Water Pollution Prevention Plan No. 1, Objectives of the General Permit, which states:

*"Maintain BMPs to reduce or eliminate pollutants in storm water discharges and authorized nonstorm water discharges from the construction site during construction." (18 and 25 February)*



Section A: Storm Water Pollution Prevention Plan No. 6, Erosion Control of the General Permit, which states:

*"At a minimum, the discharger/operator must implement an effective combination of erosion and sediment control on all disturbed areas during the rainy season." (18 and 25 February)*

Section A: Storm Water Pollution Prevention Plan No.9, Non-Storm Water Management, of the General Permit, which states:

*"Discharging sediment laden water which will cause or contribute to an exceedance of the applicable RWQCB's Basin Plan from a dewatering site or sediment basin into any receiving water or storm drain without filtration or equivalent treatment is prohibited." (18 February)*

The discharge of pollutants to waters of the State has exposed Linkside Place LLC to possible further enforcement action. Under Section 13385 of the CWC, the Regional Board can impose administrative civil liabilities for violations of CWC Section 13376. The maximum administrative civil liability for each day of violation is ten thousand dollars (\$10,000)/day/violation and ten dollars per gallon of polluted storm water discharged in excess of 1,000 gallons for violations of the terms and conditions of the General Permit. This matter is being referred to the Executive Officer for consideration of Administrative Civil Liability.

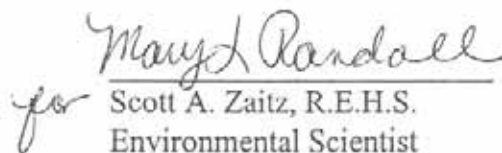
#### SUMMARY:

Regional Board staff observed violations of the General Permit at LP on 18 and 25 February 2004. These include failure to maintain BMPs to reduce or eliminate pollutants in storm water discharges, failure to adequately implement an effective combination of erosion and sediment control BMPs, failure to filter or use equivalent treatment during dewatering operations, the discharge of sediment to waters of the State and causing an exceedance of an applicable water quality standard contained in the Basin Plan.

On 18 February 2004 the Discharger violated Discharge Prohibitions A.2 and A.3, Receiving Water Limitation B.2, Special Provision C.2 and C.3, Section A: Storm Water Pollution Prevention Plan No.1, No.6, and No.9 of the General Permit.

On 25 February 2004 the Discharger violated Discharge Prohibition A.3, Receiving Water Limitation B.2, Section A: Storm Water Pollution Prevention Plan No.1 and No.6 of the General Permit.

On 18 and 25 February 2004 the Discharger was not in compliance with the General Permit and SWPPP. LP discharged turbid and sediment-laden storm water to ephemeral drainages that are waters of the State. This matter is being referred to the Executive Officer for consideration of Administrative Civil Liability.

  
for Scott A. Zaitz, R.E.H.S.  
Environmental Scientist

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Approved:		
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